

## REMARKS

The final Office Action of March 12, 2007 has been reviewed and these remarks are responsive thereto. Claims 1-13 have been amended. Claim 18 has been cancelled without prejudice or disclaimer. New claims 19 and 20 have been added. Upon entry of this Amendment, claims 1-17, 19, and 20 are pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

### ***Rejections Under 35 U.S.C. § 102***

Claims 1, 4, 5, 7, 10, 11, 13, 16, and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,438,752 to McClard (hereinafter “McClard”). Applicants respectfully traverse this rejection.

Amended claim 1 recites, among other features, “a method comprising providing a first set of categories of broadcasted programs; providing a second set of categories of broadcasted programs; and adding a first category from the first set to the second set of categories of broadcasted programs in response to tuning a broadcasted program viewing device to a broadcasted program fitting into the first category of the first set of categories a predetermined number of times.” Applicants respectfully assert that McClard fails to teach or suggest the features of claim 1.

McClard describes a system and method for selecting programs based on the past selection history of an identified user. Abstract. The system and method includes adding the program genre of a program being watched for at least a predetermined period of time to a memory. Col. 6, lines 5-14. McClard fails to teach or suggest providing a first set of categories of broadcasted programs and providing a second set of categories of broadcasted programs. Further, McClard fails to teach or suggest adding a first category to the second set of categories *in response to* tuning a broadcasted program viewing device to a broadcasted program fitting into the first category of the first set of categories a *predetermined number of times*. Rather, McClard describes adding a program genre to a memory after viewing a program for a predetermined *period of time*. Accordingly, Applicants respectfully assert that claim 1 is allowable over McClard.

Claim 7 has been amended to recite language similar to that of claim 1 and is allowable for at least the same reasons as discussed above with respect to claim 1.

Claims 4-5 and 10-11 depend from claims 1 and 7, respectively, and are allowable for at least the same reasons as their respective base claims and further in view of the additional novel features recited therein. Applicants respectfully request withdrawal of these rejections.

Claim 13 recites, among other features, a system comprising: a first unit to provide a first set of categories of content of broadcasted programs; and a second unit coupled with the first unit to add a category from the first set to a second set of categories of broadcasted programs in response to selecting the category from the first set and tuning a broadcasted program viewing device, for a period of time at least equal to a first predetermined threshold, to at least one broadcasted program predetermined to be in the category from the first set, *wherein the second unit further includes a user verification wherein a user approves the category from the first set being added to the second set prior to the category being added.* Applicants respectfully assert that McClard fails to teach or suggest the features of claim 13.

The Office admits that McClard fails to teach verifying the adding of the category from the first set to the second set. *See* the final Office Action at p. 8. Instead, the Office relies on U.S. Patent No. 6,128,009 to Ohkura (hereinafter “Ohkura”) to show this feature. However, Ohkura fails to teach or suggest a user approving a category from the first set being added to the second set prior to the category being added. Rather, Ohkura simply teaches confirming that the addition has been made. *See* Ohkura col. 32, lines 19-25). Accordingly, Applicants respectfully assert that claim 13 is allowable.

Claims 16 and 17 depend from claim 13 and are allowable for at least the same reasons as their base claim and further in view of the additional novel features recited therein. Applicants respectfully request withdrawal of these rejections.

Claims 1, 7 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,971,119 to Arsenault et al. (hereinafter “Arsenault”). Applicants respectfully traverse this rejection.

As discussed above, claim 1 recites, among other features, adding a first category from the first set to the second set of categories of broadcasted programs in response to tuning a broadcasted program viewing device to a broadcasted program fitting into the first category of the first set of categories a predetermined number of times, wherein the predetermined number of times is greater than 1. Applicants respectfully assert that Arsenault fails to teach or suggest the features of claim 1.

Arsenault describes a method and apparatus for transmitting, receiving, storing and displaying television programming data. Abstract. The method and apparatus includes keeping track of a user's viewing history. Col. 12, lines 34-35. Arsenault teaches that "each time a user makes a program selection CPU adds the category descriptor for the selected program to the selection history table." Col. 12, lines 46-48. Such a feature teaches away from claim 1 because claim 1 recites adding the category in response to tuning a broadcasted program viewing device to a broadcasted program fitting into the first category of the first set of categories a predetermined number of times, *wherein the predetermined number of times is greater than 1*. Accordingly, Applicants respectfully assert that claim 1 is allowable over Arsenault.

Claim 7 recites language similar to claim 1 and is allowable for at least the same reasons as discussed above with respect to claim 1.

Claim 13 stands rejected as being anticipated by Arsenault. Applicants respectfully assert that there is no teaching or suggestion within Arsenault of user verification prior to adding a category. Accordingly, Applicants respectfully assert that claim 13 is allowable over Arsenault.

### ***Rejections Under 35 U.S.C. § 103***

Claims 2, 6, 8, 12, 14 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McClard in view of Ohkura. Applicants respectfully traverse these rejections.

Claims 2 and 6, 8 and 12, and 14 depend from claims 1, 7 and 13 respectively and are allowable for at least the same reasons as their respective base claims. The addition of Ohkura

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fails to cure the deficiencies of McClard with respect to claims 1, 7 and 13. Accordingly, Applicants respectfully assert that claims 2, 6, 8, 12 and 14 are allowable over the cited combination of references.

Claims 3, 9 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McClard in view of U.S. Patent Publication No. 2004/0210932 to Mori et al. (hereinafter “Mori”). Applicants respectfully traverse these rejections.

Claims 3, 9 and 15 depend from claims 1, 7 and 13 respectively. The addition of Mori fails to cure the deficiencies of McClard with respect to these claims. Accordingly, Applicants respectfully assert that claim 3, 9, and 15 are allowable over the cited combination of references.

### ***New Claims***

New claims 19 and 20 have been added. Support for claims 19 and 20 can be found throughout the specification. For example, support for claims 19 and 20 can be found at least at paragraph 0021 of the specification. No new matter has been added.

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### **CONCLUSION**

The Commissioner is authorized to charge our deposit account number 19-0733 in the amount of \$1020 for a three month extension. No additional fees are believed to be due in connection with this amendment. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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